

ESTTA Tracking number: **ESTTA468912**

Filing date: **04/24/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Align Technology, Inc.
Granted to Date of previous extension	04/25/2012
Address	2560 Orchard Parkway San Jose, CA 95131 UNITED STATES
Attorney information	Harold J. Milstein Sheppard Mullin Richter & Hampton LLP 379 Lytton Ave. Palo Alto, CA 94301 UNITED STATES svtmdocketing@shepparmullin.com Phone:(650) 815-2600

Applicant Information

Application No	85383513	Publication date	12/27/2011
Opposition Filing Date	04/24/2012	Opposition Period Ends	04/25/2012
Applicant	SOLMAZ MAHALLI 531 EAST 8TH STREET BROOKLYN, NY 11218 UNITED STATES		

Goods/Services Affected by Opposition


Class 010. All goods and services in the class are opposed, namely: Orthodontic appliances


Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3181043	Application Date	04/29/2004
Registration Date	12/05/2006	Foreign Priority Date	NONE
Word Mark	ALIGN		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 1999/08/01 First Use In Commerce: 1999/08/01 Training in the use of orthodontic appliances Class 044. First use: First Use: 1999/08/01 First Use In Commerce: 1999/08/01 Orthodontic Services

U.S. Registration No.	3259957	Application Date	04/29/2004
Registration Date	07/10/2007	Foreign Priority Date	NONE
Word Mark	ALIGN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 1999/08/31 First Use In Commerce: 1999/09/02 dental apparatus, namely plastic orthodontic appliances		

U.S. Registration No.	3528696	Application Date	09/06/2007
Registration Date	11/04/2008	Foreign Priority Date	NONE
Word Mark	A ALIGNTECH INSTITUTE		

Design Mark	
Description of Mark	The mark consists of "ALIGNTECH INSTITUTE" AND DESIGN.
Goods/Services	Class 041. First use: First Use: 2008/01/19 First Use In Commerce: 2008/01/29 services in the dental field, namely, training in the fields of dentistry and orthodontia Class 044. First use: First Use: 2008/01/19 First Use In Commerce: 2008/01/19 services in the dental field, namely, consultation services in the fields of dentistry and orthodontia, dentistry, orthodontic services

U.S. Registration No.	3786167	Application Date	01/30/2007
Registration Date	05/04/2010	Foreign Priority Date	NONE
Word Mark	ALIGNTECH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2008/02/29 First Use In Commerce: 2008/02/29 Training in the fields of dentistry and orthodontia		


U.S. Registration No.	2409473	Application Date	05/03/1999
Registration Date	11/28/2000	Foreign Priority Date	NONE
Word Mark	INVISALIGN		

Design Mark	INVISALIGN
Description of Mark	NONE
Goods/Services	Class 010. First use: First Use: 1999/08/31 First Use In Commerce: 1999/09/02 DENTAL APPARATUS, NAMELY PLASTIC ORTHODONTIC APPLIANCE


U.S. Registration No.	3191195	Application Date	02/28/2005
Registration Date	01/02/2007	Foreign Priority Date	NONE
Word Mark	INVISALIGN		
Design Mark	INVISALIGN		
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1999/08/01 First Use In Commerce: 1999/08/01 Training in the use of orthodontic appliances Class 044. First use: First Use: 1999/08/01 First Use In Commerce: 1999/08/01 Orthodontic and dentistry services		

U.S. Registration No.	3911988	Application Date	09/21/2009
Registration Date	01/25/2011	Foreign Priority Date	NONE
Word Mark	INVISALIGN		


Design Mark	
Description of Mark	The mark consists of a sunburst design and the wording "INVISALIGN".
Goods/Services	<p>Class 009. First use: First Use: 2010/10/11 First Use In Commerce: 2010/10/11 Computer software, namely, digital imaging software used to depict tooth movement and proposed treatment plans; computer software used in creation of individually customized courses of orthodontic treatment; computer software used to provide, track and modify proposed courses of orthodontic treatment and patient data related thereto</p> <p>Class 010. First use: First Use: 2010/09/30 First Use In Commerce: 2010/09/30 Dental apparatus, namely, orthodontic appliances</p> <p>Class 040. First use: First Use: 2009/12/29 First Use In Commerce: 2009/12/29 Custom manufacture of orthodontic appliances; dental laboratory services</p> <p>Class 041. First use: First Use: 2010/02/28 First Use In Commerce: 2010/02/28 Training in the fields of dentistry and orthodontia</p> <p>Class 044. First use: First Use: 2010/02/28 First Use In Commerce: 2010/02/28 Dentistry; orthodontic services; consultation services in the fields of dentistry and orthodontia</p>

U.S. Registration No.	3060471	Application Date	07/07/2005
Registration Date	02/21/2006	Foreign Priority Date	NONE
Word Mark	INVISALIGN		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 1999/02/22 First Use In Commerce: 1999/02/22 Computer software, namely digital imaging software used to depict tooth movement and proposed treatment plan; computer software used to provide, track and modify proposed courses of orthodontic treatment and patient data and information related thereto</p>		

U.S. Registration No.	3418121	Application Date	09/12/2007
Registration Date	04/29/2008	Foreign Priority Date	NONE
Word Mark	INVISALIGN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 040. First use: First Use: 1999/08/31 First Use In Commerce: 1999/09/02 custom manufacture of orthodontic appliances, dental laboratory services		


U.S. Registration No.	4025403	Application Date	12/29/2010
Registration Date	09/13/2011	Foreign Priority Date	NONE
Word Mark	INVISALIGN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 044. First use: First Use: 2008/01/24 First Use In Commerce: 2008/01/24 Consultation services in the fields of dentistry and orthodontia		

U.S. Registration No.	3734867	Application Date	06/04/2008
Registration Date	01/05/2010	Foreign Priority Date	NONE
Word Mark	INVISALIGN ASSIST		

Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 009. First use: First Use: 2008/10/13 First Use In Commerce: 2008/10/13 Computer software, namely, digital imaging software used to depict tooth movement and proposed treatment plans; computer software used in creation of individually customized courses of orthodontic treatment; computer software used to provide, track and modify proposed courses of orthodontic treatment and patient data related thereto</p> <p>Class 044. First use: First Use: 2008/10/13 First Use In Commerce: 2008/10/13 Dentistry; orthodontic services; consultation services in the fields of dentistry and orthodontia</p>

U.S. Registration No.	3627894	Application Date	10/22/2007
Registration Date	05/26/2009	Foreign Priority Date	NONE
Word Mark	INVISALIGN TEEN		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 010. First use: First Use: 2008/03/01 First Use In Commerce: 2008/03/01 dental apparatus, namely, orthodontic appliance</p> <p>Class 044. First use: First Use: 2008/02/14 First Use In Commerce: 2008/02/14 dentistry, orthodontic services</p>		

U.S. Registration No.	3661970	Application Date	04/02/2008
Registration Date	07/28/2009	Foreign Priority Date	NONE
Word Mark	INVISALIGN TEEN		

Design Mark	
Description of Mark	The mark consists of the word "INVISALIGN" set in lower case humanist sans-serif letters, followed by a vertical line and then the word "TEEN" set in a lower case casual script, the two "E" characters joined in a ligature.
Goods/Services	Class 010. First use: First Use: 2008/07/20 First Use In Commerce: 2008/07/20 Dental apparatus, namely, orthodontic appliances Class 044. First use: First Use: 2008/07/19 First Use In Commerce: 2008/07/19 Dentistry; orthodontic services; consultation services in the fields of dentistry and orthodontia

Attachments	78976744#TMSN.jpeg (1 page)(bytes) 78410267#TMSN.jpeg (1 page)(bytes) 77273408#TMSN.jpeg (1 page)(bytes) 77978731#TMSN.jpeg (1 page)(bytes) 75695985#TMSN.gif (1 page)(bytes) 78576764#TMSN.jpeg (1 page)(bytes) 77831375#TMSN.jpeg (1 page)(bytes) 78665771#TMSN.jpeg (1 page)(bytes) 77278128#TMSN.jpeg (1 page)(bytes) 85207313#TMSN.jpeg (1 page)(bytes) 77490574#TMSN.jpeg (1 page)(bytes) 77309811#TMSN.jpeg (1 page)(bytes) 77977290#TMSN.jpeg (1 page)(bytes) Cosmalign-Opposition.pdf (23 pages)(1219765 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/ThayerPreece/
Name	Thayer M. Preece
Date	04/24/2012

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

ALIGN TECHNOLOGY, INC.,

Opposer,

v.

SOLMAZ MAHALLI

Applicant.

Opposition No. _____

Serial No. 85/383,513

Mark: COSMALIGN

Filed: July 28, 2011

Published: December 27, 2011

NOTICE OF OPPOSITION

Opposer, Align Technology, Inc. ("Align"), a corporation organized and existing under the laws of the State of Delaware, having a place of business at 2560 Orchard Parkway, San Jose, California, 95131, believes that it will be damaged by registration of the mark COSMALIGN shown in Application Serial No. 85/383,513 for services in International Class 10, filed July 28, 2011, by Applicant, Solmaz Mahalli, an individual having an address at 531 East 8th Street, Brooklyn, New York, 11218 ("Applicant"), and hereby opposes the same.

As grounds for opposition, Opposer Align alleges that:

1. Opposer Align is engaged, among other things, in the business of offering orthodontic devices and services related to those devices.

2. Opposer Align is the owner of the following U.S. Trademark Registrations comprising or containing the term ALIGN (the "ALIGN Marks"):

<u>Trademark</u>	<u>Reg. No.</u>	<u>Goods/Services (Date of First Use in Commerce)</u>
ALIGN	3181043	"Training in the use of orthodontic appliances" in Class 41 and "Orthodontic Services" in Class 44 (Oct. 1, 1999)

ALIGN	3259957	"Dental apparatus, namely plastic orthodontic appliances" in Class 10 (Sept. 2, 1999)
A ALIGNTECH INSTITUTE	3528696	"services in the dental field, namely, training in the fields of dentistry and orthodontia" in Class 41 and "services in the dental field, namely, consultation services in the fields of dentistry and orthodontia, dentistry, orthodontic services" in Class 44 (Jan. 19, 2008)
ALIGNTECH	3786167	"Training in the fields of dentistry and orthodontia" in Class 41 (Feb. 29, 2008)
INVISALIGN	2409473	"DENTAL APPARATUS, NAMELY PLASTIC ORTHODONTIC APPLIANCE" in Class 10 (Sept. 2, 1999)
INVISALIGN	3191195	"Training in the use of orthodontic appliances" in Class 41 and "Orthodontic and dentistry services" in Class 44 (Aug. 1, 1999)
INVISALIGN (and design)	3911988	"Computer software, namely, digital imaging software used to depict tooth movement and proposed treatment plans; computer software used in creation of individually customized courses of orthodontic treatment; computer software used to provide, track and modify proposed courses of orthodontic treatment and patient data related thereto" in Class 9 (Oct. 11, 2010), "Dental apparatus, namely, orthodontic appliances" in Class 10 (Sept. 30, 2010), "Custom manufacture of orthodontic appliances; dental laboratory services" in Class 40 (Dec. 29, 2009), "Training in the fields of dentistry and orthodontia" in Class 41 (Feb. 28, 2010), and "Dentistry; orthodontic services; consultation services in the fields of dentistry and orthodontia" in Class 44 (Feb. 28, 2010)
INVISALIGN	3060471	"Computer software, namely digital imaging software used to depict tooth movement and proposed treatment plan; computer software used to provide, track and modify proposed courses of orthodontic treatment and patient data and information related thereto" in Class 9 (Feb. 2, 1999)
INVISALIGN	3418121	"Custom manufacture of orthodontic appliances, dental laboratory services" in Class 40 (Sept. 2, 1999)
INVISALIGN	4025403	"Consultation services in the fields of dentistry and orthodontia" in Class 44 (Jan. 24, 2008)
INVISALIGN ASSIST	3734867	"Computer software, namely, digital imaging software used to depict tooth movement and proposed treatment plans; computer software used in creation of individually customized courses of orthodontic treatment; computer software used to provide, track

INVISALIGN TEEN	3627894	and modify proposed courses of orthodontic treatment and patient data related thereto" in Class 9 (Oct. 13, 2008), and "Dentistry; orthodontic services; consultation services in the fields of dentistry and orthodontia" in Class 44 (Oct. 13, 2008)
INVISALIGN TEEN (stylized)	3661970	"dental apparatus, namely, orthodontic appliance" in Class 10 (Mar. 1, 2008), and "dentistry, orthodontic services" in Class 44 (Feb. 14, 2008) "Dental apparatus, namely, orthodontic appliances" in Class 10 (July 20, 2008), and "Dentistry; orthodontic services; consultation services in the fields of dentistry and orthodontia" in Class 44 (July 19, 2008)

Copies of the registrations for the marks are attached hereto as Exhibit A.

3. Opposer's Registrations listed above are valid, subsisting, and in full force and effect.

4. Opposer Align has continuously used the ALIGN Marks in interstate commerce, throughout the United States, since at least as early as August 1, 1999 (with respect to its earliest ALIGN Mark) in connection with dental and orthodontic goods and services, and intends to continue such use of the ALIGN Marks in the future.

5. On July 28, 2011, Applicant filed an application, Serial No. 85/383,513, with the U.S. Patent and Trademark Office to register COSMALIGN in connection with "orthodontic appliances" in Class 10. The application is based on an Intent to Use the mark in commerce.

6. On information and belief, Applicant has not yet used the COSMALIGN trademark in commerce.

7. Applicant's application Serial No. 85/383,513 was published for opposition on December 27, 2011.

8. Opposer Align subsequently filed an extension of time to oppose dated January 18, 2012.

9. Opposer Align, through the use and promotion of its ALIGN Marks, from a time far prior to Applicant's filing of its application to register the mark COSMALIGN, and by virtue of the quality of Opposer Align's goods and services, has built up a valuable goodwill and reputation in connection with its ALIGN Marks.

10. Opposer's ALIGN Marks are distinctive and strong marks, having inherent distinctiveness or acquired distinctiveness through long-standing use, and serving to distinguish the source of Opposer's goods and services.

11. Applicant's proposed mark COSMALIGN is highly similar in appearance, sound, connotation, and commercial impression to Opposer Align's Marks.

12. Applicant and Opposer Align's respective goods and services under their respective marks are identical or highly similar in that they both are related to orthodontic goods and services.


13. Prior to Applicant's filing of the COSMALIGN application, Opposer Align had already been using its earliest ALIGN trademarks in commerce for over 11 years in connection with its orthodontic goods and services.

14. Opposer Align believes that it will be damaged by the registration of Applicant's proposed mark COSMALIGN and therefore opposes application Serial No. 85/383,513 because Applicant's registration and use of the proposed mark in connection with the goods set forth in application Serial No. 85/383,513 is likely to cause confusion, to cause mistake, and to deceive customers, potential customers, and others as to the source of its goods. Such confusion will cause harm to Opposer Align and the consuming public and jeopardize the

valuable goodwill and reputation Opposer Align has built up in connection with its ALIGN Marks.

15. Accordingly, for each and every reason stated above, Opposer Align believes that it will be damaged by the registration of Applicant's COSMALIGN mark and opposes application Serial No. 85/383,513.

WHEREFORE, Opposer Align prays that this opposition be sustained and that the registration of Applicant's COSMALIGN mark in application Serial No. 85/383,513 be refused.

April 24, 2012	
	Respectfully submitted, SHEPPARD, MULLIN, RICHTER & HAMPTON LLP  By: _____ Harold J. Milstein Thayer M. Preece Attorneys for Opposer ALIGN TECHNOLOGY, INC.

379 Lytton Ave.
Palo Alto, CA 94301
Telephone: (650) 815-2600
Facsimile: (650) 815-2601

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing NOTICE OF OPPOSITION was served by first class mail, postage prepaid, on April 24, 2012 upon Applicant at the following address:

Solmaz Mahalli
531 E. 8th St.
Brooklyn, NY 11218-5201


Angela Newton



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ALIGN

Word Mark	ALIGN
Goods and Services	IC 041. US 100 101 107. G & S: Training in the use of orthodontic appliances. FIRST USE: 19990801. FIRST USE IN COMMERCE: 19990801
	IC 044. US 100 101. G & S: Orthodontic Services. FIRST USE: 19990801. FIRST USE IN COMMERCE: 19990801
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78976744
Filing Date	April 29, 2004
Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	September 19, 2006
Registration Number	3181043
Registration Date	December 5, 2006
Owner	(REGISTRANT) Align Technology, Inc. CORPORATION DELAWARE 2560 Orchard Parkway San Jose CALIFORNIA 95131
Attorney of Record	John L. Slafsky; Alyson N. Dinsmore
Type of Mark	SERVICE MARK
Register	PRINCIPAL-2(F)
Live/Dead Indicator	LIVE

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ALIGN

Word Mark	ALIGN
Goods and Services	IC 010. US 026 039 044. G & S: dental apparatus, namely plastic orthodontic appliances. FIRST USE: 19990831. FIRST USE IN COMMERCE: 19990902
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78410267
Filing Date	April 29, 2004
Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	April 24, 2007
Registration Number	3259957
Registration Date	July 10, 2007
Owner	(REGISTRANT) Align Technology, Inc. CORPORATION DELAWARE 2560 Orchard Parkway San Jose CALIFORNIA 95131
Attorney of Record	John L. Slafsky; Alyson N. Dinsmore
Type of Mark	TRADEMARK
Register	PRINCIPAL-2(F)
Live/Dead Indicator	LIVE

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Word Mark	A ALIGNTECH INSTITUTE
Goods and Services	IC 041. US 100 101 107. G & S: services in the dental field, namely, training in the fields of dentistry and orthodontia. FIRST USE: 20080119. FIRST USE IN COMMERCE: 20080129
	IC 044. US 100 101. G & S: services in the dental field, namely, consultation services in the fields of dentistry and orthodontia, dentistry, orthodontic services. FIRST USE: 20080119. FIRST USE IN COMMERCE: 20080119
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.01.21 - Circles that are totally or partially shaded. 26.11.02 - Plain single line rectangles; Rectangles (single line) 26.11.14 - Rectangles (three or more rectangles); Three or more rectangles 27.03.01 - Geometric figures forming letters, numerals or punctuation
Trademark Search Facility Classification Code	LETS-1 A A single letter, multiples of a single letter or in combination with a design SHAPES-CIRCLE Circle figures or designs including semi-circles and incomplete circles SHAPES-GEOMETRIC Geometric figures and solids including squares, rectangles, quadrilaterals and polygons
Serial Number	77273408
Filing Date	September 6, 2007
Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	May 27, 2008
Registration Number	3528696
Registration Date	November 4, 2008
Owner	(REGISTRANT) Align Technology, Inc. CORPORATION DELAWARE 2560 Orchard Parkway San Jose CALIFORNIA 95131
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "INSTITUTE" APART FROM THE MARK AS SHOWN

Description of Mark	Color is not claimed as a feature of the mark. The mark consists of "ALIGNTECH INSTITUTE" AND DESIGN.
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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ALIGNTECH

Word Mark	ALIGNTECH
Goods and Services	IC 041. US 100 101 107. G & S: Training in the fields of dentistry and orthodontia. FIRST USE: 20080229. FIRST USE IN COMMERCE: 20080229
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77978731
Filing Date	January 30, 2007
Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	November 27, 2007
Registration Number	3786167
Registration Date	May 4, 2010
Owner	(REGISTRANT) Align Technology, Inc. CORPORATION DELAWARE 2560 Orchard Parkway San Jose CALIFORNIA 95131
Prior Registrations	3181043
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Typed Drawing

Word Mark	INVISALIGN
Goods and Services	IC 010. US 026 039 044. G & S: DENTAL APPARATUS, NAMELY PLASTIC ORTHODONTIC APPLIANCE. FIRST USE: 19990831. FIRST USE IN COMMERCE: 19990902
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75695985
Filing Date	May 3, 1999
Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	January 11, 2000
Registration Number	2409473
Registration Date	November 28, 2000
Owner	(REGISTRANT) Align Technology, Inc. CORPORATION DELAWARE 2560 Orchard Parkway San Jose CALIFORNIA 95131
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20101021.
Renewal	1ST RENEWAL 20101021
Live/Dead Indicator	LIVE

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INVISALIGN

Word Mark	INVISALIGN
Goods and Services	IC 041. US 100 101 107. G & S: Training in the use of orthodontic appliances. FIRST USE: 19990801. FIRST USE IN COMMERCE: 19990801
	IC 044. US 100 101. G & S: Orthodontic and dentistry services. FIRST USE: 19990801. FIRST USE IN COMMERCE: 19990801
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78576764
Filing Date	February 28, 2005
Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	October 17, 2006
Registration Number	3191195
Registration Date	January 2, 2007
Owner	(REGISTRANT) Align Technology, Inc. CORPORATION DELAWARE 2560 Orchard Parkway San Jose CALIFORNIA 95131
Attorney of Record	John L. Slafsky
Prior Registrations	2409473
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Word Mark	INVISALIGN
Goods and Services	<p>IC 009. US 021 023 026 036 038. G & S: Computer software, namely, digital imaging software used to depict tooth movement and proposed treatment plans; computer software used in creation of individually customized courses of orthodontic treatment; computer software used to provide, track and modify proposed courses of orthodontic treatment and patient data related thereto. FIRST USE: 20101011. FIRST USE IN COMMERCE: 20101011</p> <p>IC 010. US 026 039 044. G & S: Dental apparatus, namely, orthodontic appliances. FIRST USE: 20100930. FIRST USE IN COMMERCE: 20100930</p> <p>IC 040. US 100 103 106. G & S: Custom manufacture of orthodontic appliances; dental laboratory services. FIRST USE: 20091229. FIRST USE IN COMMERCE: 20091229</p> <p>IC 041. US 100 101 107. G & S: Training in the fields of dentistry and orthodontia. FIRST USE: 20100228. FIRST USE IN COMMERCE: 20100228</p> <p>IC 044. US 100 101. G & S: Dentistry; orthodontic services; consultation services in the fields of dentistry and orthodontia. FIRST USE: 20100228. FIRST USE IN COMMERCE: 20100228</p>
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	01.05.04 - Sun with rays but neither partially exposed nor with facial features
Trademark Search Facility Classification Code	<p>INAN Inanimate objects such as lighting, clouds, footprints, atomic configurations, snowflakes, rainbows, flames</p> <p>SHAPES-ASTRO Astronomical shapes consisting of celestial bodies, globes and geographical maps</p> <p>SHAPES-CIRCLE Circle figures or designs including semi-circles and incomplete circles</p> <p>SHAPES-MISC Miscellaneous shaped designs</p>
Serial Number	77831375
Filing Date	September 21, 2009
Filing Basis	1A
Original Filing Basis	1B

Published for Opposition	February 16, 2010
Registration Number	3911988
Registration Date	January 25, 2011
Owner	(REGISTRANT) Align Technology, Inc. CORPORATION DELAWARE 2560 Orchard Parkway San Jose CALIFORNIA 95131
Prior Registrations	2409473;3191195;3418121;AND OTHERS
Description of Mark	Color is not claimed as a feature of the mark. The mark consists of a sunburst design and the wording "INVISALIGN".
Type of Mark	TRADEMARK. SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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INVISALIGN

Word Mark	INVISALIGN
Goods and Services	IC 044. US 100 101. G & S: Consultation services in the fields of dentistry and orthodontia. FIRST USE: 20080124. FIRST USE IN COMMERCE: 20080124
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85207313
Filing Date	December 29, 2010
Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	June 28, 2011
Registration Number	4025403
Registration Date	September 13, 2011
Owner	(REGISTRANT) Align Technology, Inc. CORPORATION DELAWARE 2560 Orchard Parkway San Jose CALIFORNIA 95131
Prior Registrations	2409473;3060471;3191195;AND OTHERS
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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INVISALIGN ASSIST

Word Mark	INVISALIGN ASSIST
Goods and Services	IC 009. US 021 023 026 036 038. G & S: Computer software, namely, digital imaging software used to depict tooth movement and proposed treatment plans; computer software used in creation of individually customized courses of orthodontic treatment; computer software used to provide, track and modify proposed courses of orthodontic treatment and patient data related thereto. FIRST USE: 20081013. FIRST USE IN COMMERCE: 20081013 IC 044. US 100 101. G & S: Dentistry; orthodontic services; consultation services in the fields of dentistry and orthodontia. FIRST USE: 20081013. FIRST USE IN COMMERCE: 20081013
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Trademark Search Facility Classification Code	LETTER-3-OR-MORE INVI Combination of three or more letters as part of the mark
Serial Number	77490574
Filing Date	June 4, 2008
Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	February 24, 2009
Registration Number	3734867
Registration Date	January 5, 2010
Owner	(REGISTRANT) Align Technology, Inc. CORPORATION DELAWARE 2560 Orchard Parkway San Jose CALIFORNIA 95131
Prior Registrations	2409473;3060471;3191195;AND OTHERS

Type of Mark	TRADEMARK. SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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INVISALIGN TEEN

Word Mark	INVISALIGN TEEN
Goods and Services	IC 010. US 026 039 044. G & S: dental apparatus, namely, orthodontic appliance. FIRST USE: 20080301. FIRST USE IN COMMERCE: 20080301 IC 044. US 100 101. G & S: dentistry, orthodontic services. FIRST USE: 20080214. FIRST USE IN COMMERCE: 20080214
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77309811
Filing Date	October 22, 2007
Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	August 26, 2008
Registration Number	3627894
Registration Date	May 26, 2009
Owner	(REGISTRANT) Align Technology, Inc. CORPORATION DELAWARE 2560 Orchard Parkway San Jose CALIFORNIA 95131
Prior Registrations	2409473;3060471;3191195
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "TEEN" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK. SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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invisalign | *teen*

Word Mark	INVISALIGN TEEN
Goods and Services	IC 010. US 026 039 044. G & S: Dental apparatus, namely, orthodontic appliances. FIRST USE: 20080720. FIRST USE IN COMMERCE: 20080720 IC 044. US 100 101. G & S: Dentistry; orthodontic services; consultation services in the fields of dentistry and orthodontia. FIRST USE: 20080719. FIRST USE IN COMMERCE: 20080719
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.17.01 - Bands, straight; Bars, straight; Lines, straight; Straight line(s), band(s) or bar(s) 26.17.04 - Bands, vertical; Bars, vertical; Lines, vertical; Vertical line(s), band(s) or bar(s)
Trademark Search Facility Classification Code	LETTER-3-OR-MORE INVIS Combination of three or more letters as part of the mark NOTATION-SYMBOLS Notation Symbols such as Non-Latin characters,punctuation and mathematical signs,zodiac signs,prescription marks SHAPES-BAR-BANDS Designs with bar, bands or lines
Serial Number	77977290
Filing Date	April 2, 2008
Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	August 26, 2008
Registration Number	3661970
Registration Date	July 28, 2009
Owner	(REGISTRANT) Align Technology, Inc. CORPORATION DELAWARE 2560 Orchard Parkway San Jose CALIFORNIA 95131
Prior Registrations	2409473;3060471;3191195;3418121;AND OTHERS
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "TEEN" APART FROM THE MARK AS SHOWN
Description of	Color is not claimed as a feature of the mark. The mark consists of the word "INVISALIGN" set in

Mark	lower case humanist sans-serif letters, followed by a vertical line and then the word "TEEN" set in a lower case casual script, the two "E" characters joined in a ligature.
Type of Mark	TRADEMARK. SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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